

Amendments to the Drawings

Figure 3b is amended to change the reference “Qv” to $-Qd_v$ —to be consistent with the specification.

Attachment: Replacement Sheet

REMARKS

Claims 16-40 are currently pending. Claims 1-15 were previously cancelled. Claims 16-19 and 23-30 are currently amended and support can be found, for example, in the original claims and in Figures 2a, 2b, 3a and 3b. Claims 19 and 26 are currently amended to be in independent form. New claims 31-40 have been added and support can be found, for example, in the original claims and in Figures 2a, 2b, 3a and 3b. No new matter is added.

102 Rejections

Claims 16-30 are rejected under 35 USC 102(b) as allegedly anticipated by U.S. Patent 5,744,027 to Connell et al. ("Connell").

With respect to claim 16, Connell fails to disclose making available at least one dialysing fluid concentrate in at least one receiving unit, and setting the pre-set dialysing fluid flow rate Q_{d_b} over a pre-set treatment time T_B at a value such that at the end of the dialysis treatment time, the at least one receiving unit is either empty or contains a pre-set residual volume of the at least one dialysing fluid concentrate. The Examiner interprets the receiving units as flow equalizer chambers 126, 128. However, the equalizer chambers do not receive dialyzing fluid *concentrate*, rather they receive an already-mixed dialysis fluid. In Figure 1B, the dialysis fluid concentrate is held in containers 116 and 112, and mixes with water in chambers 44 and 120, which is well before the fluid reaches the equalizer chambers 126, 128. With respect to the setting the flow rate, the Examiner cites the passage of Connell stating, "[t]o guarantee complete fluid transfer to/from the flow equalizer chambers (Fig. 1B, items 126, 128) two flow sensors...are located within the fluid path to detect the absence of dialysis flow" (col 17, lines 33-37). Although Connell may disclose that the equalizer chambers are emptied, there is no disclosure of the concentrate supply 116 or 112 being emptied of concentrate. Thus, Connell does not disclose all the limitations of independent claim 16, and all claims dependent therefrom. Furthermore, there is no teaching or suggestion in Connell to determine the residual volume of the concentrate held in containers 116 or 112.

With respect to claim 23, Connell fails to disclose a means for mixing connected to the at least one receiving unit and configured to receive the at least one dialysing fluid concentrate therefrom and a control and calculating unit configured to set a dialysing fluid flow rate Q_{d_b} during a dialysis treatment such that at the end of the pre-set treatment period T_B , the at least one

receiving unit is either empty or contains a pre-set residual volume of the at least one dialysing fluid concentrate. The Examiner has identified the receiving units as equalizer chambers 126, 128 and the means for mixing as "A" concentrate pump 22, "B" concentrate pump 40, supply pump 42 and incoming water pressure regulator 12. These pumps do not actually mix the substances, but rather pump the already-mixed dialysing fluid, which was already mixed in the mixing chambers 44 and 120. Additionally, the equalizing chambers do not contain concentrate, but rather contain already-mixed solution. and thus cannot deliver concentrate to the means for mixing. Although Connell discloses a UF/PROP system 516 that controls the dialysis flow rate, there is no disclosure that the system 516 is configured to adjust the flow rate so that the receiving unit is empty or contains a pre-set residual volume of the concentrate at the end of the treatment time. Although Connell may disclose that the equalizer chambers are emptied, there is no disclosure of the concentrate supply 116 or 112 being emptied of concentrate. Thus, Connell does not disclose all the limitations of independent claim 23, and all claims dependent therefrom.

Conclusion

The Office may charge any additional fees required, or credit any overpayments, to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

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